

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DSM IP ASSETS, B.V. & DSM BIO-BASED
PRODUCTS & SERVICES, B.V.,

Plaintiffs and Counter-Defendants

ORDER

v.

16-cv-497-wmc

LALLEMAND SPECIALTIES, INC. &
MASCOMA LLC,

Defendants and Counterclaimants.

On the parties' deposition designations, counter-designations and objections as to

Ryan Skinner, the court rules as follows:

Lallemand's Designations	DSM's Objections	Court Ruling	DSM's Counter-Designations	Lallemand's Objections to DSM's Counter-Designations	Lallemand's Counter Designations	Court Ruling
11:7-11:8			11:12-12:22	<i>Irrelevant</i> (FRE 402); <i>Waste of Time</i> (FRE 403)		Overruled.
18:12-18:16			18:9-18:11 23:9-23:17; 23:19-24:4	<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		Sustain: 23:16, 19-22; 24:1-4. Overruled as to remainder.
26:11-26:19			27:3-27:15	<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain: 27:8-15. Overruled as to remainder.
35:10-35:11	MIL #3, FRE 403, 702	Sustain.	35:12	<i>Attorney Objection</i>		Sustain.
35:13-35:14	MIL #3, FRE 403, 702	Sustain.	35:15			Strike.
35:16-36:9	MIL #3, FRE 403, 702	Overruled.	52:18-53:11	[53:9-11] Lack of Personal Knowledge		Overruled.

				(FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		
			53:17-54:3	[53:21-54:3] Lack of Personal Knowledge (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		Overruled.
			54:5-54:9	<i>Improper Counter-Designation as Beyond the Scope; Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain.
			54:17-55:11	<i>Improper Counter-Designation as Beyond the Scope; Lack of Personal Knowledge</i> (FRE 602); <i>Hypothetical; Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain.
			56:6-58:6	<i>Improper Counter-Designation as Beyond the Scope; Lack of Personal Knowledge</i> (FRE 602); <i>Hypothetical; Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain.
59:11-59:14	MIL #3, FRE 403, 702	Overruled.				
63:13-60:15	MIL #3, FRE 403, 702	Sustain.				
60:17-60:19	MIL #3, FRE 403, 702	Sustain.				
60:21-61:1	MIL #3, FRE 403, 702	Overruled	61:8-61:12			
61:13-61:15	MIL #3, FRE 403, 702	Overruled.				
61:17-61:18	MIL #3, FRE 403, 702	Overruled.				
61:20-61:21	MIL #3, FRE 403, 702	Overruled.				
62:1-62:2	MIL #3, FRE 403, 702	Overruled.				
62:4-62:7	MIL #3, FRE	Overruled.	62:8-62:14			

	403, 702					
62:15-63:1	MIL #3, FRE 403, 702	Overruled.	63:2-64:10			
64:19-65:1	MIL #3, FRE 403, 702	Overruled.				
65:5-65:7	MIL #3, FRE 403, 702	Overruled.				
65:10-66:4	MIL #3, FRE 403, 702	Overruled.				
67:12-68:1	MIL #3, FRE 403, 702	Overruled.	68:2	Attorney Objection		Sustain.
68:3	MIL #3, FRE 403, 702	Overruled.	68:5-8			
69:13-69:20	MIL #3, FRE 403, 702	Overruled.	69:21-70:13			Strike 70:2-7
70:22-71:8	MIL #3, FRE 403, 702	Overruled.	73:22-75:3	<i>Lack of Personal Knowledge</i> (FRE 602); <i>Hypothetical</i> ; <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain.
			75:15-76:10; 76:12-76:19			Sustain: 75:21; 76:7, 15. Overruled as to remainder.
			78:2-78:6	<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objection</i> (FRE 611(a))		Sustain.
80:5-80:7	MIL #3, FRE 403, 702	Overruled.				
80:16-81:2	MIL #3, FRE 403, 702	Overruled.				
82:3-85:10	MIL #3, FRE 403, 702	Overruled.				
86:13-87:5	MIL #3, FRE 403, 702	Overruled.				
87:12-88:3	MIL #3, FRE 403, 702	Overruled.				
88:19-89:1	MIL #3, FRE 403, 702	Overruled.				
89:7-90:10	MIL #3, FRE 403, 702	Overruled.				
90:17-91:4	MIL #3, FRE 403, 702	Overruled.	91:5-93:2	[92:3-9] [92:18-93:2] <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		Overruled.
93:3-93:11	MIL #3, FRE 403, 702	Overruled.	93:12-94:1	<i>Improper Counter-Designation as Beyond the Scope</i>		Sustain: 93:15, 21. Overruled as to

				<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Includes Attorney Objection</i> (FRE 611(a))		remainder.
94:19-94:21	MIL #3, FRE 403, 702	Overruled.	94:3-94:17	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objections</i> (FRE 611(a))		Sustain: 94:6, 14. Overruled as to remainder.
95:11-97:11	MIL #3, FRE 403, 702	Overruled.	97:17-100:4	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403)		Overruled.
			100:17 – 102:2	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objections</i> (FRE 611(a))		Sustain: 101:14; Overruled as to remainder.
			104:21-104:22; 1105:5-105:10; 108:15-109:7	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403)	109:8-11	Overruled.
			109:16-111:2	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702); <i>Includes Attorney Objections</i> (FRE 611(a))		Sustain: 109:21. Overruled as to remainder.
			113:22-116:4	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/ Misleading</i> (FRE 403);	116:5-15	Sustain: 113:22-116:4. Strike: 116:5-15.

				<i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		
			119:22-120:12	<i>Improper Counter-Designation as Beyond the Scope</i> <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Seeks Improper Expert Opinion</i> (FRE 701/702)		Sustain.

Entered this 4th day of May, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge